

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
March 19, 2013**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, March 19, 2013 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 10:00am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, absent.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the minutes of the February 19, 2013 regular meeting be approved.

All voted in favor.

Treasurers Reports

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to pass Resolution #13-07 to approve the March 2013 Treasurers Report.

All voted in favor.

Executive Director's Report

The Commission's staff met with the Docking Pilot Organizations on March 5, 2013. The purpose of the meeting was to discuss the second phase of the regulatory clean-up which would focus on the docking pilot section of the regulations. A

Committee was set up that would include the Commission's staff and one person from each organization. The first committee meeting will take place on April 16, 2013 following the Commission's monthly board meeting.

Captain Sarubbi met with the Coast Guard and the New York Commission. They reviewed all occurrences that occurred in 2012. They also discussed the issue of allisions with the Bayonne Bridge. The Coast Guard informed Captain Sarubbi that it is Coast Guard policy to investigate all bridge allisions. Once a bridge allision is reported, a Safety Captain of the Port Order will be placed on the vessel requiring a class survey attesting to the accuracy of the vessel's air draft. If a survey is not able to be completed before a vessel departs, the next port will be notified of the issue. If the vessel goes to a foreign port, the vessel will not be allowed to enter a U.S. port until the survey is completed. The Coast Guard also addressed the issue of pilots not reporting all bridge allisions. Captain Sarrubi informed the Docking Pilot Associations of this requirement at the March 5, 2013 meeting. Since then he has been advised by Captain Flannery that all of Metro's pilots have been informed of this requirement.

Commissioner Stapleton took the opportunity to remind all pilots of this requirement.

The pilots were concerned about how the information would be distributed if the vessel owners don't automatically update the pilot cards. Captain Sarubbi will request copies of the reports from the Coast Guard as part of his investigation and will look into setting up a system to communicate the information to the pilots.

Captain Sarubbi also sent a letter to the owners of the Miraman informing them of the Commission's investigation of the bridge allision and its concerns. To date, no response has been received.

Captain Sarubbi informed the Commission that the Port Authority has designated \$150,000 annually to fund the operations and maintenance costs for the Physical Oceanographic Real Time System system for the next three years or until the Bayonne Bridge is raised.

Captain Sarubbi updated the Commission on the issue of getting proper soundings from the Port Authority. He has been advised by Chuck King that the soundings that were taken in December are ready to be distributed. Although the soundings are in the original format Mr. King is working with Captain Flannery to try to come up with a format that is easier to read.

The Port Authority has also issued a work order to have the maintenance dredging done from Berth 24 to Berth 34 along the Newark Pierhead. They are also in talks with the USACOE to obtain funds to do emergency dredging in Pierhead Reach to restore it to at least a 40' depth.

### Public Comment

Comments from Captain Robert Flannery, President, Metro Pilots Association:

Captain Flannery informed the Commission that there will be an Oil Terminal Roundtable meeting following the Harbor Ops Meeting on March 20, 2013.

There was a Terminal Operators Roundtable meeting on March 6, 2013. They discussed the issue of cranes at PNCT moving while pilots are docking vessels. The cranes make a loud beeping noise which makes it hard for the pilots to hear the tugs and may also cause the pilots to lose focus. The ILA has agreed to allow the pilots to attend one of their safety meetings to address this issue with the crane operators.

The Harbor Ops Committee met with the Army Corp, the Port Authority, the Coast Guard and the Port Jersey terminal operators. They discussed the controlling depths for the Port Jersey Channel.

The Harbors Ops Committee is establishing a working Committee co-chaired by Commander Jack Olthius and Captain Flannery to review Army Corp of Engineers channel surveys and come up with a list of recommended parameters for drafts of ships that all channels can accommodate under various conditions.

Comments from Captain Andrew McGovern, President, the Sandy Hook Pilots Association:

The dredging project to deepen the water tunnel between Staten Island and Brooklyn has been put on hold. The tunnel boring machines were damaged during hurricane Sandy and have to be replaced.

The Towing Safety Advisory Committee will meet in Manhattan on March 20, 2013.

## Committee Reports

### A. Pension Surcharge Committee:

The Actuary reported that there is not enough money being collected since Hurricane Sandy to keep Sandy Hook's pension plan adequately reserved. The Committee voted on a 4% increase. The increase will be revisited in June to see if any adjustments need to be made. Members of the maritime industry were present and although they were not entitled to a vote they supported the increase. The next meeting will be hosted by the New Jersey Commission and will take place immediately following the Commission's June 17, 2013 regular board meeting.

### B. Investigation Committee:

#### I. ***M/V Imari*** - October 28, 2011 - Allision.

Commissioner Dacey's report concluded that although the pilot was in a very difficult situation because of the many factors beyond his control, he should have anticipated that he may have a problem with the new channel. Post incident the pilot attended a Bridge Resource Managements for Marine Pilots Refresher course at the Maritime Simulation Institute and attended simulator training at MITAGs at his own expense. Commissioner Dacey recommended that the Commission close the case with a Cautionary Letter issued to the pilot advising him of the importance of being aware of the situation around him when piloting, specifically in a dredge zone and advising him that the Commission accepts the training that he completed at MITAGs and the Maritime Simulation Institute. A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to accept the recommendations in the report. All voted in favor.

#### II. ***Don Juan*** - February 28, 2013 - Power loss. Captain Sarubbi recommended that the board find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to accept the recommendation in the report. All voted in favor.

#### III. ***MSC Anchorage*** - January 1, 2013 - Allision. Captain Sarubbi recommended that the board find no fault on the part of either pilot. A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to approve the recommendation. All voted in favor.

IV. **MSC Alicante** - January 1, 2013 - Allision. Captain Sarubbi recommended that the board find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to accept the recommendation. All voted in favor.

Resolution #13-08 to Approve the Proposal of Amendments to the  
Commission's Regulations

This Resolution has been tabled.

Presentation on the Carteret Marina Project

Captain Sarubbi introduced Gregory Valesi, Partner, with CME Associates a Consulting and Municipal Engineer firm. He gave a PowerPoint presentation on the proposed Marina in Carteret. After the presentation there was a question and answer session. Mr. Valesi informed the Commission that the permit request had recently been denied by the Army Corp. He will provide the Commission with a copy of the letter indicating why the permit was denied.

The Commission thanked Mr. Valesi for the presentation and asked him to follow-up with Captain Sarubbi on the status of the project.

Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss personnel and legal matters.

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the Commission goes into Executive Session.

All voted in favor.

The Commission took a break at 11:25am.

### Return to Public Session

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 12:55pm.

### Pilot Upgrades

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to pass Resolution #13-09 to approve the upgrade of Captain James R. Britton to a pilot of the Fifth Grade Part B. The upgrade will become effective fifteen days after a copy of the minutes of the meeting has been delivered to the Governor for review.

All voted in favor.

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to pass Resolution #13-10 to approve the upgrade of Captain Michael C. Chambers to a pilot of the Fifth Grade Part A. The upgrade, pending gubernatorial veto, will become effective on May 1, 2013.

All voted in favor.

### Adjournment

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:58pm.